

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:07CV108**

FREDERICK L. BLUE,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
APPALACHIAN STATE UNIVERSITY and)	
CALDWELL COMMUNITY COLLEGE,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on its own motion.

On April 3, 2008, Defendant Caldwell Community College (“CCC”) filed an Answer to the Complaint of the Plaintiff. Document #7. In its Answer, Defendant CCC raises several defenses to the Plaintiff’s cause of action, including several arguments for dismissal under Rule 12 of the Federal Rules of Civil Procedure Id. The Court reminds that the Local Rules of this district state that motions to dismiss raised in an answer simply preserve those arguments, and that “a party wishing to have decided any preserved motion shall file a separate motion and supporting brief.”. LCvR 7.1(C)(1). Therefore, insofar as Defendant CCC seeks the Court to rule on the motions to dismiss contained in its Answer, Defendant CCC must file a separate motion and brief in support.

IT IS, THEREFORE, ORDERED that Defendant CCC file a separate motion and brief in support of any grounds for dismissal upon which it seeks relief by this Court.

IT IS SO ORDERED.

Signed: May 12, 2008



Richard L. Voorhees
United States District Judge

